

2026 Regular Session

HOUSE BILL NO. 998

BY REPRESENTATIVE FREEMAN

CRIMINAL/VICTIMS: Provides relative to the examination and medical care of victims of human trafficking-related offenses and domestic violence offenses involving strangulation

1 AN ACT

2 To amend and reenact R.S. 15:622(A)(introductory paragraph), (2), and (3), the heading of  
3 Part III-A of Subchapter D of Chapter 5-D of Title 40 of the Louisiana Revised  
4 Statutes of 1950, R.S. 40:1216.1(A)(introductory paragraph), (1)(b), (2)(introductory  
5 paragraph), (b), (c) through (e), (5)(introductory paragraph), (6), and (7), and (G)(1),  
6 R.S. 46:1816(B)(introductory paragraph) and (8) and 1822(A) and to enact R.S.  
7 15:622(A)(6) and (7) and R.S. 40:1216.1(A)(5)(c) and (H)(8) and (9), relative to  
8 examinations of victims of certain offenses; to provide relative to forensic medical  
9 examinations; to provide for definitions; to provide relative to procedures for  
10 survivors of certain offenses; to provide relative to the Victim's Compensation Fund;  
11 to provide relative to reimbursements; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 15:622(A)(introductory paragraph), (2), and (3) are hereby amended  
14 and reenacted and R.S. 15:622(A)(6) and (7) are hereby enacted to read as follows:

15 §622. Sexual assault collection kits; forensic medical examinations

16 A. As used in this Section, the following terms have the following meanings:

17 \* \* \*

18 (2)(a) "Forensic medical examination" means an examination, provided to  
19 ~~the victim of a sexually oriented criminal offense by a health care provider for the~~

1 ~~purpose of gathering and preserving evidence of a sexual assault for use in a court~~  
2 ~~of law. whether or not for the purpose of developing or preserving a sexual assault~~  
3 ~~collection kit, that is conducted by a healthcare provider for the purpose of gathering~~  
4 ~~and preserving evidence of a sexual assault, a human trafficking-related offense, or~~  
5 ~~a domestic violence offense that involves strangulation for use in a court of law and~~  
6 ~~is provided to any of the following:~~

7 (i) A victim of a sexually oriented criminal offense.

8 (ii) A victim of a human trafficking-related offense.

9 (iii) A victim of domestic violence that involves strangulation.

10 (b) A forensic medical examination shall include the following:

11 ~~(a)~~ (i) Examination of physical trauma.

12 ~~(b)~~ (ii) Patient interview, including all of the following:

13 (aa) Any history of violence or abuse.

14 (bb) Current and prior strangulation history.

15 (cc) An assessment and documentation of any current and prior symptoms  
16 and injuries.

17 (dd) Any other relevant medical history, triage, and consultation.

18 (ee) Triage.

19 (ff) Consultation.

20 ~~(c)~~ (iii) Collection and evaluation of evidence, including but not limited to  
21 the following:

22 (aa) Physical evidence.

23 ~~(i)~~ (bb) Photographic documentation.

24 (cc) Medical and forensic specimens, including toxicology screening for  
25 alcohol and drug-facilitated sexual assaults or domestic violence.

26 ~~(ii)~~ (dd) Preservation and maintenance of chain of custody.

27 ~~(iii)~~ Medical specimen collection:

28 ~~(iv) When determined necessary by the healthcare provider, an alcohol- and~~  
29 ~~drug-facilitated sexual assault assessment and toxicology screening.~~





1 examination room during the forensic medical examination. With the consent of the  
2 survivor, the examination and treatment of ~~all sexual assault survivors~~ shall, at a  
3 minimum, include all of the following:

4 \* \* \*

5 (b) Patient interview, including all of the following:

6 (i) Any history of violence or abuse.

7 (ii) Current and prior strangulation history.

8 (iii) An assessment and documentation of any current and prior symptoms  
9 and injuries.

10 (iv) Any other relevant medical history, triage, and consultation.

11 (v) Triage.

12 (vi) Consultation.

13 (c) Collection and evaluation of evidence, including but not limited to the  
14 following:

15 (i) Physical evidence.

16 ~~(i)~~ (ii) Photographic documentation.

17 (iii) Medical and forensic specimens, including toxicology screening for  
18 alcohol and drug-facilitated sexual assaults or domestic violence.

19 ~~(ii)~~ (iv) Preservation and maintenance of chain of custody.

20 ~~(iii)~~ Medical specimen collection.

21 ~~(iv)~~ When determined necessary by the healthcare provider, an alcohol or  
22 drug-facilitated sexual assault assessment and toxicology screening.

23 (d) Any testing recommended by the healthcare provider or related to the  
24 sexual assault or recommended by the healthcare provider, human-trafficking related  
25 offense, or domestic violence offense that involves strangulation.

26 (e) Any medication provided during the forensic medical examination; which  
27 may include emergency contraception and prophylaxis for HIV or STI prophylaxis  
28 a sexually transmitted infection.

29 \* \* \*

1 (5) No hospital or healthcare provider shall directly bill a survivor of a  
2 sexually oriented criminal offense, a human-trafficking related offense, or a domestic  
3 violence offense that involves strangulation for any healthcare services rendered in  
4 conducting a forensic medical examination, including the healthcare services  
5 rendered in accordance with Paragraph (2) of this Subsection and the following:

6 \* \* \*

7 (c)(i) Necessary and recommended medical care to ensure that no  
8 life-threatening injuries are present, including diagnostic treatment and procedures  
9 and radiographic studies.

10 (ii) The services described in Item (i) of this Subparagraph are considered  
11 medical treatment and shall not be included in the forensic costs or billing for  
12 medical examination. Any medical expenses incurred by the healthcare provider  
13 may be billed to the insurance provider of the patient, if applicable.

14 (6) The healthcare provider who performed the forensic medical ~~exam~~  
15 examination and the hospital or healthcare facility shall submit a claim for payment  
16 for conducting a forensic medical ~~exam~~ examination directly to the Crime Victim  
17 Reparations Board to be paid in strict accordance with the provisions of R.S.  
18 46:1822. A survivor of a sexually oriented criminal offense, a human-trafficking  
19 related offense, or a domestic violence offense that involves strangulation shall not  
20 be billed directly or indirectly for the performance of any forensic medical ~~exam~~  
21 examination. The provisions of this Paragraph ~~shall not be interpreted or construed~~  
22 ~~to do not~~ apply to either of the following:

23 (a) A healthcare provider billing for any medical services that are not  
24 specifically set forth in this Section or provided for diagnosis or treatment of the  
25 survivor for injuries related to the sexual assault, human-trafficking related offense,  
26 or domestic violence offense that involves strangulation.

27 (b) A survivor of a sexually oriented criminal offense, ~~seeking a human-~~  
28 trafficking related offense, or a domestic violence offense that involves strangulation  
29 who seeks reparations in accordance with the Crime Victims Reparations Act, R.S.

1 46:1801 et seq., for the costs for any medical services that are not specifically set  
2 forth in this Section or provided for the diagnosis or treatment of the survivor for  
3 injuries related to the sexual assault, human-trafficking related offense, or domestic  
4 violence offense that involves strangulation.

5 (7) The ~~department~~ Louisiana Department of Health shall make available to  
6 every hospital and healthcare provider licensed under the laws of this state a  
7 pamphlet containing an explanation of the billing process for services rendered  
8 pursuant to this Section. Every hospital and healthcare provider shall provide a copy  
9 of the pamphlet to any person presented for treatment as a survivor of a sexually  
10 oriented criminal offense, a human-trafficking related offense, or a domestic  
11 violence offense that involves strangulation.

12 \* \* \*

13 G.(1) Upon request of a competent adult survivor of a sexually oriented  
14 criminal offense, a human-trafficking related offense, or a domestic violence offense  
15 that involves strangulation, the healthcare provider that performed the forensic  
16 medical ~~exam~~ examination shall provide a reproduction of any written  
17 documentation ~~which~~ that is in the possession of the healthcare provider resulting  
18 from the forensic medical ~~exam~~ examination of the survivor. The documentation  
19 shall be provided to the survivor no later than fourteen days after the healthcare  
20 provider receives the request or the healthcare provider completes the  
21 documentation, whichever is later.

22 \* \* \*

23 H. For purposes of this Section, the following definitions apply:

24 \* \* \*

25 (8) "Domestic violence" means but is not limited to acts that constitute any  
26 of the following:

27 (a) Battery of a dating partner (R.S. 14:34.9).

28 (b) Aggravated assault upon a dating partner (R.S. 14:34.9.1).

29 (c) Domestic abuse battery (R.S. 14:35.3).





Present law provides for the procedures that are included within the examination and treatment of sexual assault survivors.

Proposed law amends present law to provide for additional assessments within the examination and treatment relative to patient interviews, collection and evaluation of evidence, testing, and medication.

Present law prohibits the direct billing of a survivor of a sexually oriented criminal offense for any healthcare services rendered in conducting a forensic medical examination.

Proposed law amends present law as follows:

- (1) Adds survivors of human trafficking-related offenses and domestic violence offenses that involve strangulation as individuals who are exempt from direct billing.
- (2) Provides what is considered medical treatment and what is exempt from forensic costs or billing.
- (3) Provides for billing through the insurance provider of the patient, if applicable.

Proposed law defines the terms "human trafficking-related offense" and "domestic violence".

Present law (RS 46:1816) provides for the Crime Victims Reparations Fund.

Proposed law retains present law.

Present law requires the fund to be composed of monies from the collection of unclaimed prize money provided in present law (R.S. 4:176 and R.S. 27:94, 252, 394, and 610) exclusively used to pay the expenses associated with healthcare services of victims of sexually oriented criminal offenses, including forensic medical examinations.

Proposed law retains present law and adds expenses associated with the healthcare services of victims of human trafficking-related offenses and victims of domestic violence offenses that involve strangulation.

Present law (R.S. 46:1822) provides for forensic medical examinations and reimbursement for these examinations.

Proposed law retains present law and provides for services, procedures, testing, and medication that the reimbursement amounts encompass.

Proposed law provides for duties of the La. State Law Institute relative to the proper placement of proposed law.

(Amends R.S. 15:622 (A)(intro. para.), (2), and (3), the heading of Part III-A of Subchapter D of Ch. 5-D of Title 40 of the La. Rev. Stat. of 1950, R.S. 40:1216.1(A)(intro. para.), (1)(b), (2)(intro. para.), (b), (c)-(e), (5)(intro. para.), (6), and (7), and (G)(1), R.S. 46:1816(B)(intro. para.) and (8) and 1822(A); Adds R.S. 15:622(A)(6) and (7) and R.S. 40:1216.1(A)(5)(c) and (H)(8) and (9))